

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA**

KIMBERLY FARRIS,
Plaintiff,

v.

ANDREW WARREN VOSS,
Defendant.

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Case No.1:22-cv-00248-DCLC- CHS

REPORT AND RECOMMENDATION

Before the Court is Plaintiff Kimberly Farris' motion for leave to appeal *in forma pauperis* [Doc. 48]. "The decision to grant or deny an application to proceed *in forma pauperis* lies within the sound discretion of the district court." *Flippin v. Coburn*, 107 F. App'x 520, 521 (6th Cir. 2004); *see also Powell v. Alcoa High Sch.*, No. 3:10-CV-212, 2010 WL 3087387, at *2 (E.D. Tenn. Aug. 5, 2010). All applications to proceed *in forma pauperis* must follow the procedures set out in Federal Rule of Appellate Procedure 24(a)(1) which states that a party who desires to appeal *in forma pauperis* must file a motion in the district court and attach an affidavit that:

- (A) shows in the detail prescribed by Form 4 of the Appendix of Forms the party's inability to pay or to give security for fees and costs;
- (B) claims an entitlement to redress; and
- (C) states the issues that the party intends to present on appeal.

Fed. R. App. P. 24 (a)(1). *See also* 28 U.S.C. § 1915(a)(1); *Scott v. Patrick*, No. 1:06-cv-568, 2007 WL 426519, at *1 (W.D. Mich. Feb. 2, 2007) (noting that "Section 1915(a)(1) requires an affidavit by [the appealing party] identifying the 'nature' of his appeal, including some specificity identifying the basis of the appeal, supporting his belief that he is a person 'entitled to redress.'").

Plaintiff has declared under oath that she has no income [Doc. 48, Appl. to proceed *in forma pauperis*], and, therefore, she is financially qualified for *in forma pauperis* status. She has also

filed a notice of appeal [Doc. 49] indicating she believes she is entitled to redress. But she has not attached to her notice of appeal or indicated therein—or stated in her *in forma pauperis* application—the issues she intends to present on appeal. Because Plaintiff has given no indication of the issues she intends to present on appeal, her application to proceed *in forma pauperis* should be denied.

Accordingly, it is hereby **RECOMMENDED**¹ that Plaintiff’s application to appeal *in forma pauperis* be **DENIED**.

ENTER.

/s/ Christopher H. Steger
UNITED STATES MAGISTRATE JUDGE

¹ Any objections to this Report and Recommendation must be served and filed within fourteen (14) days after service of a copy of this recommended disposition on the objecting party. Such objections must conform to the requirements of Rule 72(b) of the Federal Rules of Civil Procedure. Failure to file objections within the time specified constitutes a forfeiture of the right to appeal the District Court's order. *Thomas v. Arn*, 474 U.S. 140, 88 L.Ed.2d 435, 106 S. Ct. 466 (1985). The district court need not provide *de novo* review where objections to this report and recommendation are frivolous, conclusive or general. *Mira v. Marshall*, 806 F.2d 636 (6th Cir. 1986). Only specific objections are reserved for appellate review. *Smith v. Detroit Federation of Teachers*, 829 F.2d 1370 (6th Cir. 1987).